LXI

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Sir *Thomas Sherley* of *Wiſton* in the County of *Suſſex*, was great Grandfather to the Plantiff. *He* had iſſue.

Three Sons.

First		
Second		Third
Sir *Anthony Sherley*, the Plantiffs great Uncle: He dyed without iſſue.	Sir *Thomas Sherley* his eldeſt Son, (the Plantiffs Grandfather.) He had iſſue.	Sir *Robert Sherley* the Plantiffs great Uncle. He dyed without iſſue

Two Sons

First	Second
Henry Sherley the Plantiffs Uncle, he dyed without iſſue in the life of his Father.	*Thomas Sherley*, afterwards Sir *Thomas Sherley* the Plantiffs Father. He had iſſue.
	Thomas Sherley who is the Plantiff.

BIBLIOTHECA BODLEIANA

The Caſe of *Thomas Sherley* Eſq; one of his Majeſties Phyſitians in Ordinary.

SIR *Thomas Sherley* the Elder, the Plantiffs great Grandfather was ſeized in Fee of the Mannor of *Wiſton*, and divers other Mannors and Lands in the County of *Suſſex*, to the yearly value of more then three thouſand pounds. The ſaid Sir *Thomas Sherly* half a year before his Death, did by Indenture bearing date the 29 *Novemberis*, *nono Jacobi*. Settle the ſaid Mannors upon himſelf and Dame *Anne* his Wife during their lives, and after their Deceaſe to Sir *Thomas Sherley* his Eldeſt Son the Plantiffs Grandfather for Life, and after his Deceaſe to *Henry Sherley* the Plantiffs Uncle for Life, and after his Deceaſe to the Sons of the ſaid *Henry* ſucceſſively in Tayl male; And for default of ſuch iſſue to *Thomas Sherley* afterwards Sir *Thomas Sherley* the Plantiffs Father (and Brother to the ſaid *Henry*) for Life, and after his Deceaſe to the firſt, ſecond, third, and fourth ſons, *&c.* of the ſaid *Thomas* in Tayl male; And the Plantiff as only ſon of the ſaid *Thomas*, by vertue of the ſaid Settlement is alone entitled to the ſaid Eſtate.

But divers Perſons having got into Poſſeſſion of the ſaid Mannors are combined together to defraud the Plantiff and eſpecially one Sir *John Fagg*, who is got into poſſeſſion of the chief Mannor, and a houſe that coſt three and thirty thouſand Pound building, as the Plantiff is informed, and ſeveral Lands and Tenements, to the value of Eight hundred Pound *per annum*: As the Plantiff verily believes And alſo for ten pounds in Money, and a Horſe or Mare, worth ſix: Hath gotten into his Cuſtody by the delivery of one *Francis Whatker*, the ſaid Deed of Settlement, without which the Plaintiff cannot recover his Eſtate from the ſaid Sir *John Fagg*, nor other Lands contained in the ſaid Settlement.

The Plaintiff hath ſued Sir *John Fagg* by Engliſh Bill, in the High Court of Chancery for diſcovery of the ſaid Deed, to which he put in a Plea to the ſaid Bill before the then Lord Chancellor: the Subſtance whereof is only that he is a purchaſer of the ſaid Houſe and Lands, for the Conſideration of Six thouſand Eight hundred pounds; which he calls a valuable Conſideration, though in truth he derives no Title from any of the Plaintiff's Anceſtors, nor denyes notice of the Plantiff's Title. And yet the ſaid Plea being argued the Court allowed of the ſame, and diſmiſſed the Plantiff's Bill out of Chancery, which diſmiſſion is ſigned and Inrolled, whereby the Plantiff is Ruined, and left without remedy either at Law or Equity, to recover his eſtate of three thouſand pound *Per Annum*; gotten from him as a foreſaid, without any manner of Conſideration either to him or any of his Anceſtors under whom the Plantiff claims. And for want of the ſaid Deed, the Plantiff hath no way to obtain relief, or compel the ſaid Sir *John Fagg*, to produce the ſaid Settlement without his Addreſs to the Right Honourable the houſe of Lords, the ſupream Court of Equity.

Now the ſaid Decree of Diſmiſſion of the Plantiffs Bill out of Chancery being very Erroneous, and the matter of Fact being miſtated and there being many Errours in Fact in the ſaid proceedings for which the ſaid Decree and Order of Diſmiſſion ought to be reverſed, and as the Caſe ſtands the Plantiff cannot maintain or aſſign any Bill of Reveiw for the ſame in the Court of Chancery according to the ſtrict Rules of that Court the Plantiff hath therefore by Petition Appealed from the ſaid Decree and Order of diſmiſſion to the Right Honourable the Houſe of Lords where he hopeth the ſame will be examined and Reverſ'd

The ſubſtance of the Plantiffs deſires are, that their Lordſhips would be pleaſed to cauſe the ſaid Deed of ſettlement to be produced before them and reſtored to the Plantiff, and to do him what further Juſtice their Lordſhips in their great Wiſdom ſhall think fit; to which the Plantiff ſubmits both himſelf and cauſe.

Thomas Sherley

1678